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STEFAN J. KIRCHANSKI, ESQ.
HOGAN & HAPTSON, L.L.P.
PILTMORE TOWER
500 SOUTH GRAND AVENUE, SUITE 1900
LOS ANGELES, CA 90071

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In re Application of : **OFFICE OF PETITIONS**
Tobin, et al. : **A/O PATENTS**
Application No. 09/359,026 : **DECISION GRANTING PETITION**
Filed: July 22, 1999 :
Attorney Docket No. 36316.00007 :

This is a decision on the petition filed January 29, 2001, requesting that above-identified application be accorded a filing date of July 22, 1999, with page 4 of the specification as part of the original disclosure.

On July 22, 1999, applicants filed the above-identified application. On January 29, 2001, applicants filed the present petition, a copy of page 4 of the specification. The petition is accompanied by a copy of applicants' postcard receipt acknowledging receipt of 31 pages of specification in the United States Patent and Trademark Office (Office) on July 22, 1999. Applicants request that the application, including page 4 of the specification, be accorded a filing date of July 22, 1999.

Upon review of the record, page 4 of the specification, deposited on July 22, 1999, has not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 22, 1999, included page 4 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including page 4 of the specification, was complete on filing and entitled to a filing date of July 22, 1999.

Accordingly, the petition is granted. No petition fee is required.

The application file is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of July 22, 1999, using pages 1-3 and 5-31 of the specification submitted on July 22, 1999, and page 4 of the specification submitted on January 29, 2001.

Any inquiries related to this decision should be directed to Petitions Attorney Christina T. Tartera at (703) 306-5589.

Beverly M. Flanagan

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy